

REMARKS

Please reconsider the application in view of the above amendments and the following remarks. Applicant thanks the Examiner for carefully considering this application.

Disposition of Claims

Claims 15 and 31-53 are currently pending in this application. Claims 15 and 42 are independent. The remaining claims depend, directly or indirectly, from claims 15 and 42.

Claim Amendments

Independent claims 15 and 42 have been amended by this reply to recite “wherein the selected menu item is originally displayed in a first location in the service menu, and wherein upon selection, the selected menu item is displayed in the first location in the at least one subsidiary menu.” Thus, the independent claims specify that the location of the selected menu item before and after selection does not change, while the content from the service menu and the subsidiary menu that is displayed after selection of the menu item changes based on the selected menu item. Applicant asserts that no new subject matter is added by way of these amendments. Support for these amendments may be found, for example, in Figure 5 and the accompanying text of the Specification.

Rejections under 35 U.S.C. § 103

Claims 15 and 31-53 stand rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,772,433 (“LaJoie”) in view of U.S. Patent No. 5,828,420 (“Marshall”). Independent claims 15 and 42 have been amended by this reply. To the extent that this rejection may still apply to the amended claims, this rejection is respectfully traversed.

To establish a *prima facie* case of obviousness "...the prior art reference (or references when combined) must teach or suggest all the claim limitations." (*See* MPEP §2143.03). Further, "all words in a claim must be considered in judging the patentability of that claim against the prior art." (*See* MPEP §2143.03). The Applicant respectfully asserts that the references, when combined, fail to teach or suggest all the claim limitations of amended independent claims 1 and 42.

Particularly, the Examiner relies on LaJoie for disclosing at least one subsidiary menu for display with only the selected menu item corresponding to the selected service. In fact, the Examiner cites the following portion of LaJoie:

"The theme mode of the present invention displays program information of programs that were, are, or will be available for viewing based on a subscriber-selected theme category. Once a theme category has been selected, all programs within that theme are displayed to the subscriber. In some embodiments of the present invention, in addition to scrolling through programs corresponding to a selected theme, a subscriber can also scroll to other themes after reaching the end of the list of programs corresponding to the selected theme." (*see* LaJoie, col. 6, ll. 26-36).

Initially, when the user selects the "theme" mode in LaJoie, only the selected menu item is shown, but LaJoie fails to disclose or suggest that the selected menu item is displayed in the *same place* as it was before the selection of the selected menu item, as required by the amended independent claims. In fact, figures 20 and 21 of LaJoie show that the selected menu item is displayed in a *different* location than the selected menu item's original location. This, in contrast to the present invention, confuses the user who has to change his/her focus to verify if his selected choice was correct. The purpose behind displaying the selected menu item in the same place in both the service menu and the subsidiary menu in the present

invention, is to make it easy for the user to verify that the chosen service is in fact the service that the user wanted to select (*see* Specification, Figure 5 and pages 17-18).

In addition, nothing in the cited portion of LaJoie discloses or suggests displaying only the menu item corresponding to the selected one of the listed services. LaJoie only discloses that selecting a theme that results in all programs within that theme being displayed. However, LaJoie is completely silent with respect to displaying *only* the selected menu item and its associated sub-menus, while removing all the non-selected menu items that were originally present in the service menu.

Further, Marshall fails to supply that which LaJoie lacks, as evidenced by the fact that the Examiner relies on Marshall solely for the purpose of disclosing a superimposed menus over a program, where the interference with the program is minimal (*see* Office Action mailed December 29, 2005, pages 4-5). In fact, Marshall fails to disclose or suggest displaying only a selected menu item corresponding to a service, together with a submenu associated with the selected menu item.


Thus, in view of the above, it is clear that neither LaJoie nor Marshall, whether considered separately or in combination, disclose all the limitations of amended independent claims 15 and 42. Dependent claims 31-41 and 43-53 are allowable for at least the same reasons. Accordingly, withdrawal of this rejection is respectfully requested.

Conclusion

Applicant believes this reply is fully responsive to all outstanding issues and places this application in condition for allowance. If this belief is incorrect, or other issues arise, the Examiner is encouraged to contact the undersigned or his associates at the telephone number listed below. Please apply any charges not covered, or any credits, to Deposit Account 50-0591 (Reference Number 11345/019001).

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Respectfully submitted,

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